

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JANE DOE, as the Natural Guardian)	
of NANCY DOE, a Minor, MARY DOE,)	
a Minor, and SUSAN DOE, a Minor,)	
)	C.A. No. 05-cv-00424 SLR
Plaintiffs,)	
)	Trial by Jury Demanded
v.)	
)	
CAPE HENLOPEN SCHOOL DISTRICT,)	
DANE BRANDENBERGER, JANET)	
MAULL, and CINDY CUNNINGHAM,)	
)	
Defendants.)	

**DEFENDANT CAPE HENLOPEN SCHOOL DISTRICT, DANE
BRANDENBERGER, JANET MAULL AND CINDY CUNNINGHAM'S
MOTION TO COMPEL**

Defendant Cape Henlopen School District (the "District"), Dane Brandenberger, Janet Maull and Cindy Cunningham (collectively, the "Defendants") respectfully move this Court pursuant to Federal Rule of Civil Procedure 37, for an Order compelling plaintiffs Jane Doe, Nancy Doe, Mary Doe and Susan Doe (collectively, the "Plaintiffs") to respond to Defendants' First Set of Interrogatories Directed to the Plaintiffs (the "Interrogatories"). In support of this Motion, the Defendants state as follows:

1. Plaintiffs filed the Complaint in this action on June 23, 2005, seeking, among other things, injunctive relief and damages arising from alleged equal protection and due process violations, retaliation for exercise of free speech, state created danger, and violations of the Delaware State Constitution.

2. On March 10, 2006, the Defendants filed and served upon Plaintiffs the Interrogatories (attached hereto as Exhibit A) the response to which was originally due

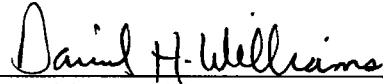
thirty days later, pursuant to Rule 33(b)(3). Consequently, the response to the Interrogatories was due on April 11, 2006.

3. Counsel for Defendants communicated with Plaintiffs' counsel regarding the outstanding discovery responses on multiple occasions. On April 11, 2006, counsel for Plaintiffs wrote a letter to counsel for Defendants confirming the Plaintiffs were granted an extension of three weeks to respond to discovery. (See Letter from Gary W. Aber, attached hereto as Exhibit B). By this extension, the answers to the Interrogatories were due on May 1, 2006. On September 15, 2006, counsel for Defendants wrote to counsel for Plaintiffs demanding a response to the Interrogatories. (See Letter from David H. Williams, attached hereto as Exhibit C). Again, on October 5, 2006, counsel for Defendants wrote to counsel for Plaintiffs demanding a response to the Interrogatories. (See Letter from David H. Williams, attached hereto as Exhibit D). However, Plaintiffs failed to provide any response to the Interrogatories.

4. Plaintiffs' responses to the Interrogatories remain outstanding.

WHEREFORE, Defendants respectfully request that this Court enter an order, in substantially the form attached, directing Plaintiffs to respond to the outstanding Interrogatories.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

A handwritten signature in cursive script, reading "David H. Williams".

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Attorneys for Defendants

Dated: October 19, 2006

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)	
Defendants.)	

ORDER

WHEREAS, on March 10, 2006, the Defendants filed and served interrogatories upon the Plaintiffs.

WHEREAS, Plaintiffs have not responded to the interrogatories.

WHEREAS, Defendants have moved to compel interrogatory responses.

IT IS HEREBY ORDERED, that Plaintiffs shall respond fully to Defendants' First Set of Interrogatories Directed to the Plaintiffs by close of business on November _____, 2006.

Chief Judge Robinson

**IN THE UNITED STATES DISTRICT COURT
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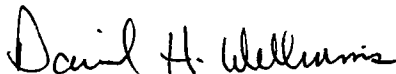
JANE DOE, as the Natural Guardian)	
of NANCY DOE, a Minor, MARY DOE,)	
a Minor, and SUSAN DOE, a Minor,)	
)	C.A. No. 05-424 SLR
Plaintiffs,)	
)	Trial by Jury Demanded
v.)	
)	
CAPE HENLOPEN SCHOOL DISTRICT,)	
DANE BRANDENBERGER, JANET)	
MAULL, and CINDY CUNNINGHAM,)	
)	
Defendants.)	

CERTIFICATE OF ELECTRONIC FILING

I, David H. Williams, hereby certify that on October 19, 2006, I electronically filed the attached **DEFENDANTS CAPE HENLOPEN SCHOOL DISTRICT, DANE BRANDENBERGER, JANET MAULL AND CINDY CUNNINGHAM'S MOTION TO COMPEL** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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702 King Street, Suite 600
Wilmington, DE 19899

MORRIS, JAMES, HITCHENS & WILLIAMS, LLP



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Dated: October 19, 2006